

NATIONAL ACADEMY OF PUBLIC ADMINISTRATION STANDING PANELS ON THE FEDERAL SYSTEM

MEETING OF MAY 27, 2008

PRESIDENTIAL TRANSITION AND INTERGOVERNMENTAL RELATIONS

PANEL ATTENDEES & GUESTS: Paul Posner, *Panel Chair*; Enid Beaumont, John Kincaid, Beryl Radin, Charles Wise, Carl Stenberg, John Baycan, George Hardy, Dan Skoler, Don Borut, Kathryn Stack, Elizabeth Kellar, Harry Finger, Mortimer Downey, Mary Ann Tronavitch, George Stalcup, Bill Reinsberg, Dora Kingsley, Andrew Uscher, Dwight Ink, J. Timothy Sprehe, Bernie Martin, John Kamensky, and others from both the Standing Panel on the Federal System and the Standing Panel on Executive Organization and Management.

STAFF ATTENDEES: Malika Bouhdili

SPEAKERS: Maggie Grant, former Special Assistant for Intergovernmental Affairs in the Bush Administration; Marcia Hale, former Assistant to President Clinton and Director of Intergovernmental Affairs.

THE INTERGOVERNMENTAL SYSTEM: A BACKGROUND

Paul Posner, Chair of the Federal System Panel, began the May 27th Panel meeting by reviewing the contents of a paper written by Bruce McDowell – *The President's Intergovernmental Management Agenda*. The paper surveys the landscape of intergovernmental relations over the past 50 years and reveals the following trends:

- The federal government has grown exponentially in the past 50 years and is involved in the intergovernmental system more than ever.
- Instead of conducting its business directly, the federal government has used states, local government, non-profits, and private sector partners to be the “workhorses” of the intergovernmental system.
- The federal government has made a shift from *cooperative federalism*, marked by an explosion of grants and financial assistance given to states, to *coercive federalism*, characterized by a greater use of mandates to achieve national goals.
- There has been a reduction in the number of institutions that steward to the intergovernmental system at a national level. The Office of Management and Budget (OMB), for example, used to have a robust management staff whose principle job was to oversee the federal system, manage grants, and work closely with federal regional councils, as well as state and local governments. In addition, there used to be an Advisory Commission on Intergovernmental Relations, formed under President Eisenhower. This federal, state, and local commission brought high level individuals together to create a partnership in discussing important national issues.

As a result of these trends and others, Mr. Posner noted that the Executive Branch is left with no intergovernmental focal point except for the White House Office of Intergovernmental Affairs. The Legislative Branch of the federal government is equally mal-equipped; although organizations like the GAO and other “staff arms” of Congress have groups that work to shed light on intergovernmental issues, Congress itself no longer has committees dedicated to issues with intergovernmental implications. State and local groups in Washington also play a significant role in bringing Congressional attention to intergovernmental issues.

Mr. Posner noted that the Panel meeting was to center around four principle questions: Where will the leadership in this area come from? What are the major intergovernmental issues facing the new Presidential Administration? What role can this Panel serve in surfacing these issues to a new Administration?

Mr. Posner then introduced the session’s two speakers, asking Marcia Hale to discuss her role as Director of Intergovernmental Affairs in the Clinton Administration first.

MARCIA HALE

Presidential Transition Timeframe

Marcia Hale, former Assistant to President Clinton and Director of Intergovernmental Affairs, began by discussing Presidential transition calendar. She noted that Spring 2008 already marks the pre-transition period, when Presidential nominees begin to assemble their transition staffs. The pre-transition period is subsequently followed by the convention period, the actual Presidential transition, and the 120-day post-inaugural period at which time the Administration plans for the remaining four year term.

Personnel Staff and Office Location Matters

Ms. Hale emphasized the importance of having a White House personnel staff that is aware of intergovernmental issues, and that is willing to reach out to governors, mayors, state legislators, and other stakeholders. It is especially critical that the White House Chief of Staff is educated on these issues and has contacts in state and local governments.

She also highlighted the importance of office location. As the Director of Intergovernmental Affairs during the Clinton Administration, Ms. Hale found it invaluable to have her office situated next door to the Congressional Affairs Office. The proximity facilitated communication between the two offices; conveying the importance of emerging intergovernmental issues to Congress is critical as it must be aware of existing local and state legislation, as well as their policy and budget needs.

Make the Issues Visible

Ms. Hale encouraged the Panel to make intergovernmental issues visible now. These issues need to be discussed throughout the Presidential campaigns, during debates, and need to receive media attention. She suggested that the Panel contact governors, mayors,

and state legislators to discuss what important questions need be asked throughout the Presidential campaigns.

Ms. Hale identified a few intergovernmental issues that are likely to become the most relevant during the next President's Administration:

- Healthcare reform and its accompanying future administration needs
- Transportation infrastructure
- Immigration policy

The White House and Congress will have to engage state and local governments when tackling these issues; the greater visibility around their potential intergovernmental impact the more likely Washington government will engage other stakeholders.

MAGGIE GRANT

Importance of Non-Partisanship

Maggie Grant, former Special Assistant for Intergovernmental Affairs in the Bush Administration, was the second guest speaker at the meeting. She began by discussing the importance of nonpartisanship when approaching intergovernmental issues. Individuals across federal, state, and local governments need to be brought together to discuss these issues, regardless of their political affiliation.

White House Personnel Staff and the President's Cabinet

Ms. Grant agreed with Ms. Hale that the White House personnel staff needs to understand the importance of intergovernmental issues, and be willing to reach out to state and local government stakeholders. A well-connected Chief of Staff is critical; Andy Card, Chief of Staff during the George W. Bush Administration, cared about incorporating state and local governments tremendously. Ms. Hale noted that it also helped her to forge relationships with White House staff members that worked closely with the President. Karl Rove, for example, had a unique relationship with the President while also understanding the need to communicate with intergovernmental partners. As Senior Advisor to the President and later the head of the Office of Political Affairs, Rove took time to work with the Intergovernmental Affairs Office and convey important issues directly to the President.

The make-up of the President's cabinet also matters. Four out of five of President Bush's cabinet members were ex-governors. This helps make state and local issues relevant. With both the Republican and Democratic nominee for President in 2008 being Senators, it will be imperative that each select advisors, cabinet members, and even Vice Presidents that have experience working in state or local government (particularly governors and city mayors).

Intergovernmental Issues

Ms. Grant agreed that the issues identified by Ms. Hale (healthcare, infrastructure, and immigration) all have intergovernmental implications and are likely to receive attention

from the campaigns, Congress, and the media during the next Administration. To this list of issues she would also add the issue of homeland security. Coordinating homeland security is a nation-wide effort, that requires the involvement of mayors, governors, and state legislators alike.

In order to make these issues relevant and visible, Ms. Grant noted that it will be critical to work the Republican and Democratic national conventions. In many ways, what is discussed at these events becomes incorporated into the agenda of the next Administration.

Ms. Grant also pointed out that the biggest challenge in intergovernmental coordination on these issues will be Congress. There are 118 pieces of state legislation already in existence on the issue of immigration alone. Congress needs to understand how the policies they enact will affect communities across the country.

Lessons Learned from Katrina

Ms. Grant highlighted Hurricane Katrina as an example of failed coordination between local, state, and federal governments. Not only was there poor planning prior to the storm's arrival, but following the storm, communication backup occurred at all levels of government.

Federal agencies also failed to coordinate their efforts with one another, and with state and local governments. The Federal Emergency Management Agency (FEMA), the Army Corps of Engineers, and other agencies all operated independently. The Department of Homeland Security is supposed to coordinate the agencies. The White House also has a coordinating role through the Office of Intergovernmental Affairs.

PANEL DISCUSSION

After Marcia Hale and Maggie Grant both finished speaking, Mr. Posner invited the Panel to ask them questions, make comments, and engage in a discussion on how the Academy could help make emerging intergovernmental issues more visible to the next Administration.

Executive Orders

One Panelist asked if a federal executive order on intergovernmental management was worth pursuing. Ms. Hale noted that it is worth pursuing as long as there are strong personalities to draw attention to its contents. Ms Grant disagreed, noting that executive orders are rarely effective and are largely symbolic in nature. She added that it would be far more beneficial to push for structural changes, such as the creation of an intergovernmental affairs office at OMB.

Media Attention

One Panelist discussed the importance of the press in making intergovernmental management issues visible and relevant. The National Press Foundation offers training

for journalists, though they've never had a training session on intergovernmental issues. The Director of the foundation, Bob Myers, could be approached and asked to integrate ideas related to intergovernmental management and the Presidential transition to the curriculum.

Maggie Grant agreed that steps have to be taken to make these issues relevant to the press. She encouraged the Panel to not only engage the national press, but local newspapers and publications as well.

The Presidential Nominees

Panelists then discussed how to ensure that the President elect doesn't disappear into federal issues of Washington once in the White House. Marcia Hale encouraged the Panel to start early, create an intergovernmental management agenda for the future President, discuss and refine it with key stakeholders, and make it relevant during the Presidential campaigns and the party conventions. Once the Administration is underway, it may also be a good idea to contact the Vice President and make him/her aware of the issues, either formally or informally.

What Can the National Academy of Public Administration Do?

When discussing NAPA's next steps, the Panel made several suggestions. Panelists noted that the Academy could

- examine the structure and role of the Intergovernmental Affairs Office as opposed to the issues themselves;
- build on the paper drafted by Bruce McDowell (*The President's Intergovernmental Management Agenda*); or
- focus on issues on which there is already general federal, state and local consensus, such as the effort to "go green".

The Panel will continue to discuss the Academy's potential role in communicating intergovernmental issues to the next Administration during the next Panel meeting, on July 31, 2008.